

Before the  
Federal Communications Commission  
Washington, D.C. 20554

OCT 7 5 10 AM '04

In the Matter of	)	
	)	
Improving Public Safety Communications in the 800 MHz Band	)	WT Docket 02-55
	)	
Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels	)	ET Docket No. 00-258
	)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems	)	RM-9498
	)	
Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service	)	RM-10024
	)	
Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service	)	ET Docket No. <u>95-18</u>
	)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service	)	

**SECOND ERRATUM****Released: October 6, 2004**

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

On August 6, 2004, the Commission released a *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order*, FCC 04-168, in the above-captioned proceeding.<sup>1</sup> This Erratum corrects the following errors or omissions in that document:

1. Paragraphs 87, 344 and 345, contained inconsistent language concerning the timing of the acknowledgement Nextel must file prior to commencing operations on the 1.9 GHz band. Accordingly, we correct the inconsistency by revising: (a) the second sentence of paragraph 87 to read as follows:

Specifically, as a condition precedent to commencing operations on the 1.9 GHz band pursuant

<sup>1</sup> See *Improving Public Safety Communications in the 800 MHz Band*, *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order*, WT Docket 02-55 (FCC 04-168), rel. Aug. 6, 2004.

to any of its licenses modified pursuant to this *Report and Order*, Nextel shall file with the Commission, **within sixty days of publication of the *Report and Order* in the Federal Register**, an acknowledgement acceptable to the Commission.

And (b), by striking paragraph 345 and adding a final bullet to paragraph 344:

- Nextel shall file with the Commission an acknowledgement that meets the requirements of paragraph 87 *supra*.

2. We correct inconsistent language in paragraphs 332 and 356, regarding when Nextel must secure the funding for reconfiguring the border areas by revising: (a) paragraph 332 to read as follows:

In the event that reconfiguration of the 800 MHz border areas is not completed at the end of the thirty-six month reconfiguration process due to circumstances outside of Nextel's control, the Transition Administrator shall estimate how much completing the reconfiguration will cost. Within thirty days of the completion of this estimate Nextel shall elect to either extend the life of the letter(s) of credit or secure a separate letter of credit to cover the costs of border area reconfiguration. In order to prevent a lapse in financial coverage, if Nextel elects to secure a separate letter of credit the prior letter of credit must remain in effect until the effective date of the new letter of credit. The estimated cost of reconfiguring the 800 MHz band in the border areas shall be included as a credit in the computations described in paragraph 330 *supra*.

And (b), paragraph 356 to read as follows:

"IT IS FURTHER ORDERED that, as a condition of its 800 MHz and 1.9 GHz modified licenses, Nextel shall, within thirty days of the completion of the Transition Administrator's estimate of the cost of completing band reconfiguration as described in paragraph 332 *supra*, elect to extend the life of the letter of credit or elect to secure a separate letter of credit, in an amount sufficient to ensure the reconfiguration of the 800 MHz licensees operating in the border area, as detailed herein."

3. In the last sentence in Paragraph 303, we correct a typographical error by changing the frequency band from "1990-2035 MHz" to "1990-2025 MHz."

4. In the second sentence in Paragraph 237, we correct a typographical error by changing the frequency band from "1915-1920 MHz" to "1910-1915 MHz."

5. Appendix C, Section 2.106 is amended as follows and all following amendatory instructions are renumbered respectively.

## **PART 2 – FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

1. The authority citation for part 2 continues to read as follows:

**AUTHORITY:** 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended by revising pages 38 and 39.

5.149 5.291A 5.294 5.296 5.300 5.302 5.304 5.306 5.311 5.312			776-794 FIXED MOBILE BROADCASTING	Wireless Communications (27) Broadcast Radio (TV) (73) Auxiliary Broadcasting (74) Private Land Mobile (90)
790-862 FIXED BROADCASTING			NG115 NG128 NG159	
	5.293 5.309 5.311		794-806 FIXED MOBILE	Auxiliary Broadcasting (74) Private Land Mobile (90)
	806-890 FIXED MOBILE BROADCASTING		NG115 NG128 NG158 NG159	
			806-809 LAND MOBILE	Private Land Mobile (90)
			809-824 FIXED LAND MOBILE	Public Mobile (22) Private Land Mobile (90)
			NG31	
			824-849 FIXED LAND MOBILE	Public Mobile (22)
5.312 5.314 5.315 5.316 5.319 5.321			NG151	
See next page for 862-890 MHz	5.317 5.318	5.149 5.305 5.306 5.307 5.311 5.320	See next page for 849-890 MHz	See next page for 849-890 MHz

849-941 MHz (UHF)					Page 39
International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
See previous page for 790-862 MHz	See previous page for 806-890 MHz	See previous page for 610-890 MHz	See previous page for 614-890 MHz	849-851 AERONAUTICAL MOBILE	Public Mobile (22)
				851-854 LAND MOBILE	Private Land Mobile (90)
862-890 FIXED MOBILE except aeronautical mobile BROADCASTING 5.322				854-869 FIXED LAND MOBILE NG31	Public Mobile (22) Private Land Mobile (90)
5.319 5.323	890-902 FIXED MOBILE except aeronautical mobile 5.317A Radiolocation  5.318 5.325	890-942 FIXED MOBILE 5.317A BROADCASTING Radiolocation	890-902    US116 US268 G2	869-894 FIXED LAND MOBILE	Public Mobile (22)
890-942 FIXED MOBILE except aeronautical mobile 5.317A BROADCASTING 5.322 Radiolocation				US116 US268 NG151	
				894-896 AERONAUTICAL MOBILE	
				US116 US268	
				896-901 FIXED LAND MOBILE	Private Land Mobile (90)
				US116 US268	
				901-902 FIXED MOBILE	Personal Communications (24)
				US116 US268	

6. Appendix C, Section 90.7 is corrected by including the word "a" before "high-density system" as follows:

**§ 90.7 Definitions.**

*800 MHz Cellular System.* In the 806 - 817 MHz/ 851 - 862 MHz bands, a cellular system is defined as a high-density system which:

\* \* \* \* \*

7. Appendix C, Section 90.20(d)(69) is corrected to list the frequency bands as 806 - 817 MHz and 851 - 862 MHz as follows:

**§ 90.20 Public Safety Pool.**

\* \* \* \* \*

(d) \* \* \*

(69) Subpart S of this part contains rules for assignment of frequencies in the 806 - 817 MHz and 851 - 862 MHz bands.

8. Appendix C, Section 90.614(c) is corrected to include counties in Tennessee which were inadvertently omitted in the original list:

**§ 90.614 Cellular and non-cellular portions of 806 - 824/851 - 869 MHz bands for non-border areas.**

\* \* \* \* \*

(c) In the following counties and parishes, 800 MHz cellular systems – as defined in § 90.7 – are permitted to operate on channels 411 - 830:

Alabama

Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, Shelby, St Clair, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston

Florida

Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, Washington

Georgia

Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Carroll, Catoosa, Charlton, Chatham, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Clinch, Cobb, Coffee, Colquitt, Columbia, Cook, Coweta, Crawford, Crisp, Dade, Dawson, Decatur, DeKalb, Dodge, Dooly, Dougherty, Douglas, Early, Echols, Effingham, Elbert, Emanuel, Evans, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Glynn,

Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, McIntosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Screven, Seminole, Spalding, Stephens, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Towns, Treutlen, Troup, Turner, Twigg, Union, Upson, Walker, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkes, Wilkinson, Worth

Louisiana

Catahoula, Concordia, Madison, Tensas

Mississippi

Adams, Alcorn, Amite, Attala, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Copiah, Covington, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Madison, Marion, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Rankin, Scott, Simpson, Smith, Stone, Tippah, Tishomingo, Union, Walthall, Warren, Wayne, Webster, Wilkinson, Winston, Yazoo

North Carolina

Cherokee, Clay, Graham, Jackson, Macon

South Carolina

Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Edgefield, Greenwood, Hampton, Jasper, McCormick, Oconee

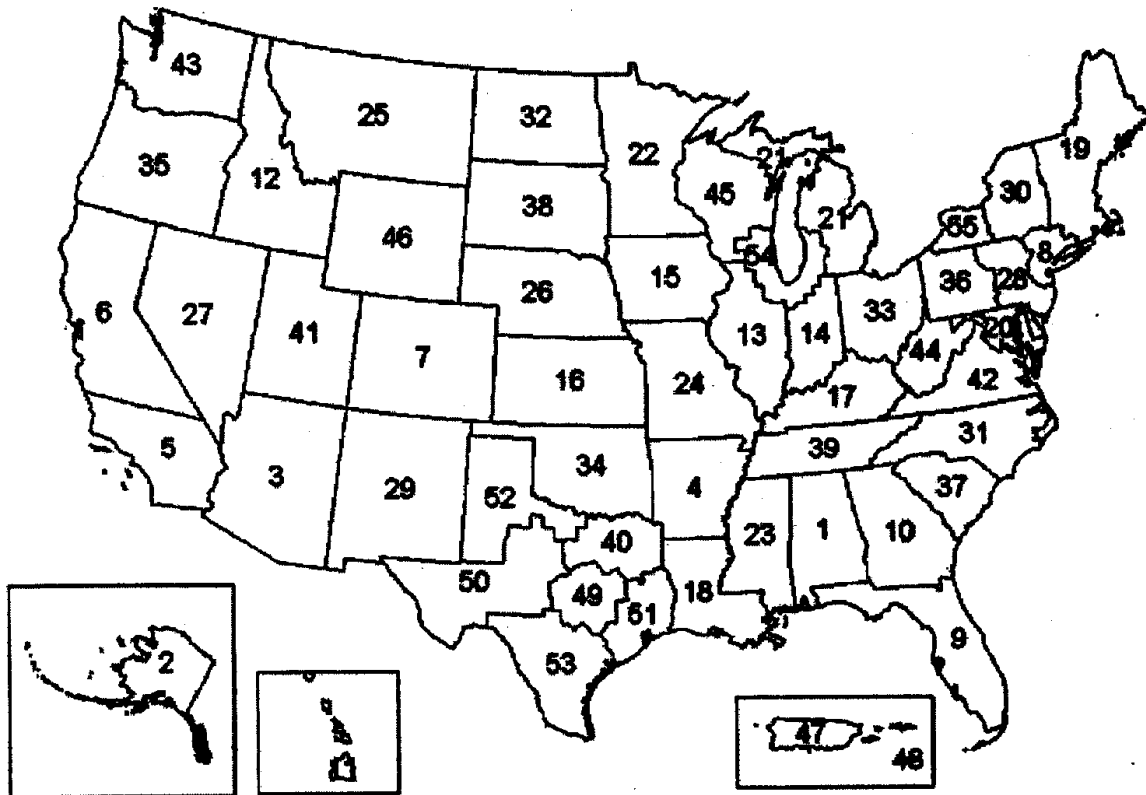
Tennessee

Bledsoe, Bradley, Franklin, Giles, Hamilton, Hardin, Lawrence, Lincoln, Marion, McMinn, McNairy, Meigs, Monroe, Moore, Polk, Rhea, Sequatchie, Wayne

\* \* \* \* \*

9. Appendix F is corrected to indicate that Region 54 includes counties from Southern Lake Michigan; and that Region 21 includes all of Michigan except for the counties from Southern Lake Michigan.

## APPENDIX F: NPSPAC REGIONS



Region 1	Region 2
Region 3	Region 4
Region 5	Region 6
Region 7	Region 8
Region 9	Region 10
Region 11	Region 12
Region 13	Region 14
Region 15	Region 16
Region 17	Region 18
Region 19	Region 20
Region 21	Region 22
Region 23	Region 24
Region 25	Region 26
Region 27	Region 28
Region 29	Region 30
Region 31	Region 32
Region 33	Region 34
Region 35	Region 36
Region 37	Region 38
Region 39	Region 40
Region 41	Region 42
Region 43	Region 44
Region 45	Region 46
Region 47	Region 48
Region 49	Region 50
Region 51	Region 52
Region 53	Region 54
Region 55	Region 56
Region 57	Region 58
Region 59	Region 60
Region 61	Region 62

Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	
Delaware	
District of Columbia	
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	
Maine	
Maryland	
Massachusetts	
Michigan	
Minnesota	
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	
Ohio	
Oklahoma	
Oregon	
Pennsylvania	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	
Texas	
Utah	
Vermont	
Virginia	
Washington	
West Virginia	
Wisconsin	
Wyoming	

10. Appendix G is corrected to add counties in Tennessee which were inadvertently omitted from the original list as follows:

#### APPENDIX G: SOUTHEAST ESMR BAND PLAN

The ESMR band in the following counties and parishes are the band segments 813.5 - 824 MHz / 858.5 - 869 MHz. The Expansion Band in these areas shall extend from 812.5 - 813.5 MHz / 857.5 - 858.5 MHz. All licensees operating in the band segment 806 - 813.5 MHz / 851 - 858.5 MHz shall be afforded the same protection against unacceptable interference as specified in the *Report and Order*.

##### Alabama

Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, Shelby, St Clair, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston

##### Florida

Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, Washington

##### Georgia

Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Carroll, Catoosa, Charlton, Chatham, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Clinch, Cobb, Coffee, Colquitt, Columbia, Cook, Coweta, Crawford, Crisp, Dade, Dawson, Decatur, DeKalb, Dodge, Dooly, Dougherty, Douglas, Early, Echols, Effingham, Elbert, Emanuel, Evans, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, McIntosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Murray,



Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Screven, Seminole, Spalding, Stephens, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Towns, Treutlen, Troup, Turner, Twiggs, Union, Upson, Walker, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkes, Wilkinson, Worth

Louisiana

Catahoula, Concordia, Madison, Tensas

Mississippi

Adams, Alcorn, Amite, Attala, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Copiah, Covington, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Madison, Marion, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Rankin, Scott, Simpson, Smith, Stone, Tippah, Tishomingo, Union, Walthall, Warren, Wayne, Webster, Wilkinson, Winston, Yazoo

North Carolina

Cherokee, Clay, Graham, Jackson, Macon

South Carolina

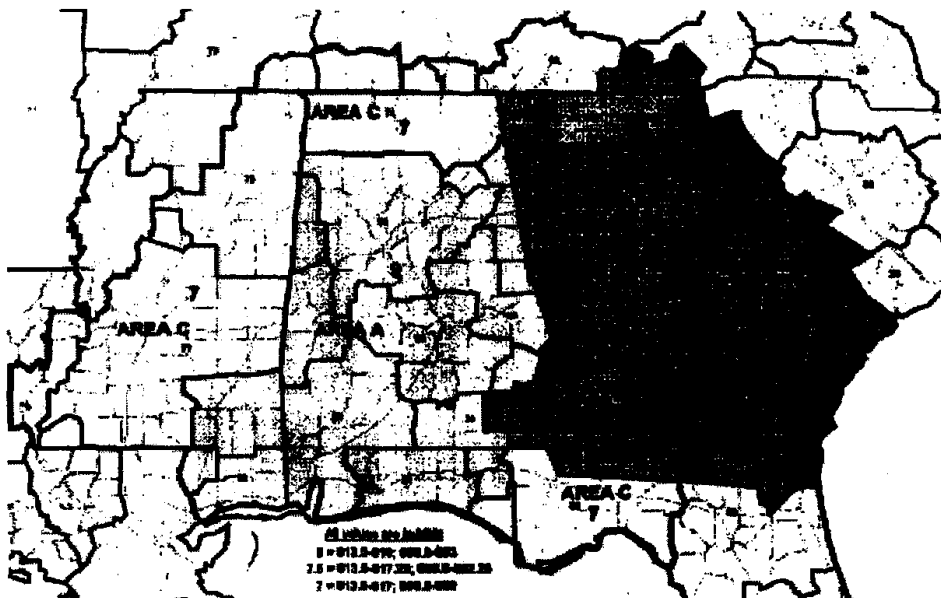
Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Edgefield, Greenwood, Hampton, Jasper, McCormick, Oconee

Tennessee

Bledsoe, Bradley, Franklin, Giles, Hamilton, Hardin, Lawrence, Lincoln, Marion, McMinn, McNairy, Meigs, Monroe, Moore, Polk, Rhea, Sequatchie, Wayne

11. Appendix G is correct to supply a map of the Southern ESMR area, and notations to that map, as follows:

### Map of Southeast ESMR Band Plan



#### Channel Configuration

##### Area A

- Southern LINC operates on 180 channels between 813.5 - 818.0 MHz/858.5 - 863 MHz
- Nextel operates on 240 channels between 818.0 - 824.0 MHz/863.0 - 869.0 MHz

##### Area B

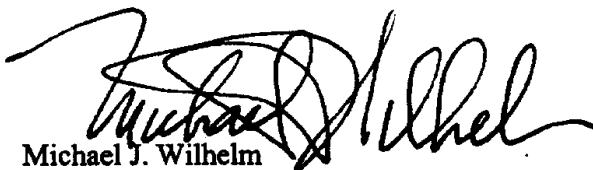
- Southern LINC operates on 150 channels between 813.5 - 817.25 MHz/858.5 - 862.25 MHz
- Nextel operates on 270 channels between 817.25 - 824.0 MHz/862.25 - 869.0 MHz

##### Area C

- Southern LINC operates on 140 channels between 813.5 - 817.0 MHz/858.5 - 862.0 MHz
- Nextel operates on 280 channels between 817.0 - 824.0 MHz/862.0 - 869.0 MHz

12. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Michael J. Wilhelm", is written over the printed name.

Michael J. Wilhelm  
Chief, Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau